

Macon County Planning Board Minutes

June 30, 2011

Call to Order: Chairman Lewis Penland called the meeting to order at 5:03 pm. in the Macon County Health Department

Members: Lewis Penland, Mark West, Alan Marsh, Larry Stenger, Al Slagle, Jimmy Goodman, Susan Ervin, Lamar Sprinkle, Kevin Corbin, Jimmy Tate

Staff: Derek Roland, Jack Morgan

Media: Franklin Press, Smoky Mountain News

Approval of Minutes: Alan Marsh made motion to approve minutes from June 16, 2011 meeting, Larry Stenger seconded this motion. Motion carried unanimously

Liaison Reports: MCWC nor Transportation Steering Committee has met since the June 16th meeting.

New Business: **Review of Major Subdivision-** Roland spoke with J.B. Coram who will be submitting the plat, and notified the board that the plat would be ready to review at their July meeting.

Unfinished Business: **Discussion of Recommendations for Slope Ordinance-** A revised copy of the draft, which incorporated some suggestions made by Planning Board members at the June 16, 2011 meeting was distributed. Slagle directed the board's attention to the disclaimer on page 10 of the document which stated that "This Draft is not intended to be a complete ordinance." Two suggestions from the board which have not yet been completed by the Slope sub-committee were the % of private land located in the down slope hazard areas, and how much private land would be affected if the percentage categories contained within the recommendations were increased.

The Board then began review of the revised draft, focusing only on the changes made following the June 16th meeting. The changes were in italics for convenience of board members.

DEFINITIONS:

Influence Zone: Larry Stenger: Who is making the decision for influence zone and what standards are being used to delineate that? Is the neighbor being informed of possible exposure on their land due to disturbance on the other property? Ed Haight directed Stenger's attention to Page 4 number 3 of the proposed recommendations which contained "part of the answer" to Stenger's question according to Haight. Haight commented that the influence zone is all of the land that can be potentially damaged due to land disturbing activities on a subject's property. It can be both uphill and downhill neighbors. As far as notifying your neighbor, Haight felt that was a legal question but could possibly be determined through County Officials.

Susan Ervin commented that the influence zone is used primarily to assist the property owner in notifying them of the slope category in which their property lies. Sprinkle asked if the sub-committee was aware that most of the time property lines are not accurately located on the County GIS maps (maps upon which building sites and influence zones are determined from). This could pose as a problem when trying to accurately assess the parameters of an influence zone. Haight commented that usage of the maps was only a screening tool and was not intended to substitute a site visit by the administrator. Slagle asked Jack Morgan how the current mapping process for on site sewage and erosion and sedimentation control was working. Morgan replied saying "most of the time if grading was involved there would be a survey although it is not required a site plan is required". The septic and well programs require that the property lines should be marked. Morgan felt these systems are currently working well and does not see the influence zone as being substantially different from the well or septic program requirements.

Goodman asked "how can you stay within the parameters of your own property and tell how you will influence your neighbors 500 ft. above and 500 ft. below?" Goodman pointed out in certain circumstances this would require the engineer to travel onto someone else's property. Slagle replied that this was not always the case, citing the slide at the movie theatre. In some cases however, the engineer would have to travel onto neighboring properties to make these determinations.

Ed Haight commented that no other counties with slope ordinances use influence zone in their ordinances. Barry Clinton, felt that the committee needed to hash out more definitely what the influence zone was and how it worked. Currently the influence zone used in the proposed recommendations is 35 ft.

Downslope Hazard will be changed to Debris Flow Path as Barry Clinton notified the board that this was the new terminology being used.

Structural Fill was added to make clear that compaction standards only apply to areas where you are building things according to Haight.

CATEGORY OF SITE DESIGNATED:

Wording changes were made to both category 3 and 4 to clear up overlap between the two definitions according to Haight.

SLOPE MEASUREMENT

Reference to the 2004 digital elevation model was deleted from the first paragraph.

CATEGORY 2 SITES

Sprinkle questioned how much land is left to be developed excluding the floodplains, floodways, Town(s) of Franklin and Highlands, their ETJ's, United States Forest Service and Slope Categories. Sprinkle felt this information would be relevant to the discussion. Roland then volunteered to attempt to find this information.

#4 Sprinkle also questioned how an applicant could successfully create a scale drawing showing buildings, driveways, cuts, fills and graded slopes, and a post construction storm water plan. Sprinkle felt this requirement forces the applicant to seek the assistance of a design professional regardless of whether or not it is required by Category 2.

#6 The County currently does not specify how much insurance a contractor should carry. Sprinkle questioned how the County would get away with mandating insurance for a Design Professional while they do not require insurance for other professionals doing work. Upon consensus, the board felt that Chester Jones (County Attorney) should be consulted on whether or not the county can legally require a design professional to have liability insurance when it is not required of building contractors. In the mean time, wording changes will be considered for this section.

#7ai Sprinkle felt that 5 foot contours were not adequate. The 5 ft. contour intervals were changed to 2 ft. upon consensus of the board.

CATEGORY 3 SITES

4a i-iv were the same as Category 2 (previously reviewed with no objections)

4b is the same as Category 2 (previously reviewed with no objections)

4c i-vii – Jimmy Tate felt that all seven requirements contained in number 4c were unnecessary, as they are basically “telling an engineer how to do his job.” Ed Haight felt these requirements would prevent a professional from doing the “bare minimum”. With these requirements in place, the design professional would at least have some form of standards according to Haight. Slagle felt the wording should be left as is, although Engineers are licensed by the State of North Carolina. Alan Marsh agreed with Slagle. The wording was left as is for section 4c.

4d i-iii was the same as Category 2 (previously reviewed with not objections)

CATEGORY 4 SITES

1. Category 4 addresses the debris flow pathways as shown on the Landslide Maps produced by the North Carolina Geological Survey. If a site is located in Category 4 it automatically requires the assistance of a design professional. According to Haight this is the “Peaks Creek category” which is perhaps the most dangerous of all.

Goodman questioned the criterion that was being used to designate the debris flow pathways on the maps. Barry Clinton stated that the Landslide Hazard Maps, which include the debris flow pathways, were derived from extensive research using historical events and on the ground research. Clinton went on to say that a lot of data was retrieved using the LiDAR maps, and a series of aerial photographs dating back to 1954. Al Slagle stated that the group who created the maps visited nearly 900 sites and were in Macon County for approximately 60 days. The group also used geologic maps and the Macon County Soils Survey. While LiDAR was consulted throughout the process, Slagle felt that many other avenues were used as well.

2. Jimmy Tate questioned whether or not the county should require people to “protect themselves”? Tate felt the category 4 site should be there as a warning, but requiring the assistance of a design professional was not necessary. Tate commented that he would be happy either way and was bringing this question up for discussion purposes only. No change was made to this section.

The first review of the recommendations was completed at this meeting. The document will go to the commissioners as technical recommendations, and the commissioners will notify the Planning Board at that point, how they wish the board to proceed. Commissioner Corbin will get clarification on this topic. Penland stated the next step for the committee would be to go through the document section by section and vote on each.

Public Comment: N/A

Next Meeting Date: July 21, 2011 at 5:00 pm. Meeting will be held in Meeting Room(s) A&B of the Macon County Health Department located at 1834 Lakeside Drive.

Meeting Adjourned: Alan Marsh made motion to adjourn meeting at 7:05 pm. Al Slagle Second